

OFFICE OF THE CITY ATTORNEY

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FCC Mail Room



March 5, 2009

Commission's Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

Re: CSR-8126, CSR-8-8127, and CSR-8-8128
MB Docket No. 09-13

Enclosed please find an original and four copies of comments from the City of Royal Oak, Michigan in support of the Petitioners in these cases, the Alliance for Community Media *et al.*; the City of Lansing, Michigan; and the City of Dearborn, Michigan *et al.* Please note that these comments are being served on counsel for the Petitioners.

Very truly yours,

CITY OF ROYAL OAK

David W. Gillam
City Attorney

cc: Scott Newman, Manager of Information Systems
James N. Horwood, Esq.
Teresa S. Decker, Esq.
Joseph Van Eaton, Esq.
Holly Saurer, FCC Media Bureau

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At a Regular Meeting of the Royal Oak City Commission held on Monday, March 2, 2009, in City Hall, 211 Williams Street, the following Resolution was adopted:

BE IT RESOLVED that the City Commission hereby directs the City Clerk to forward this letter to the City's elected officials in Washington D.C. and Lansing, Michigan.

BE IT FURTHER RESOLVED that the City Attorney be instructed to file this letter in accordance with the requirements set forth by the FCC Public Notice DA 09-203.

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Royal Oak City Commission at a meeting held on March 2, 2009.

Melanie Halas

City Clerk

City of Royal Oak
Interoffice Memorandum

Received & Inspected

MAR 16 2009
FCC Mail Room



2/24/2009

To: Donald E Johnson, Interim City Manager
Dave Gillam, City Attorney

From: Scott Newman, Manager of Information Systems

Subject: **PEG Channel Protection in response to FCC Public Notice DA 09-203**
(CSR-8126, CSR-8127, CSR-8128, MB Docket No. 0913)

The Michigan Municipal League has recently brought to light a public notice from the Federal Communications Commission (FCC) for seeking comments regarding our Public, Education, and Governmental (PEG) programming by March 9, 2009. The FCC has opened a case on preserving the quality and financial viability of PEG channels. The case will be addressing the City of Lansing Petition (CSR-8127) and the Alliance for Community Media petition (CSR-8126) which challenge AT&T's system for PEG channels viewed as Internet streaming videos and other problems, and the Dearborn/Meridian Township petition (CSR-8128) asking Comcast to preserve the existing locations of our PEG channels, instead of moving them to the 900 channel series.

This is a nation-wide issue and it is of vital importance that we let the FCC know about the value and commitment of our PEG channels and the benefits these programs provide to the community. The fear is that if we do not make our comments known to the FCC, our inaction will be interpreted as an indifference to the viability of our PEG programming.

In Royal Oak, we have very successful government, education and public PEG programming channels, WROK, WOAK and CMN, respectively. These PEG stations provide a myriad of essential public service programs and resources to the community. Our local PEG stations and funding provide and equip mobile production vans used to produce special programs like the Royal Oak Show, Oakland's Most Wanted and award winning programs like Royal Oak Hockey Night and the Emerald Ash Borer. Televised baseball, softball, soccer, and ice hockey games, band & choir concerts, special events like the Tree Lighting Ceremony and the Holiday Magic Parade, multitudes of educational programs, interviews and coverage of City Commission and School Board meetings, Elections and Political debates. These are just a few of the many community-oriented programs that the residents and businesses of Royal Oak rely on to keep abreast of what's happening in the community. Additional information regarding the quality of Royal Oak PEG programming information can be found at the following locations on the Internet and video TV services:

Public: <http://www.cmntv.org>

Education: <http://www.royaloakschools.org/woak/>

Government: <http://www.ci.royal-oak.mi.us/wrok/>

Comcast channel 52; WOW channel 18

Comcast channel 54; WOW channel 15

Comcast channel 55; WOW channel 10

The loss of the distribution systems provided by the video cable service providers would eliminate our ability to broadcast these community programs. The loss of the franchise fee would eliminate our ability to fund these programs and community services. Voicing our objections relative to AT&T and Comcast for making it more difficult or expensive for our PEG stations to continue these programs or inhibiting access to these programs is the main reason for bringing these issues to the attention of the FCC.

Support of CSR-8126 and CSR-8127. There are several issues with the AT&T U-Verse system and the method of distribution of our PEG channels to our residents and businesses. AT&T claims it is a better service than commercial channels, but the web-streaming quality is much less than what the commercial channels are provided. AT&T has made it difficult and cumbersome to select PEG channels as provisioned separately from the normal channel line-up and are located in a complex menu selection program. It is

difficult to switch back and forth between the other channels, or make recordings of the programming to a DVR and the service lacks support for closed captioning and other SAP features.

AT&T also has a requirement where each entity and source of PEG programming must incur the cost and installation fees for a dedicated communication link for sending the programming to AT&T. This means that each public, education and governmental broadcast station and at any other location where programs are being broadcast or produced, need to have a dedicated communication link to AT&T. In our community, Comcast and WOW both provide the communication links at no cost. The added expense in addition to all the other problems, are very distressing issues to deal with, especially during these tough economic times.

AT&T's U-Verse video service was issued its first permit for build-out in June 2007 and AT&T now has approximately 45-50% coverage in Royal Oak. Our PEG programming is currently not available on the channel lineup. Last fall we had a conference meeting AT&T's Carmen Johnson, and technicians Scott Alexander, John Petterson, and Galvin Getts. Representatives of WROK, WOAK and CMN were also contacted regarding the many issues and concerns with the AT&T solution. During the conference we discussed the current status of the U-Verse project and what is needed to make our PEG programming available on their system and how it all works. What we found out during the demonstration of the PEG solution, is that PEG programming has been handed a huge disadvantage to public accessibility and to add insult to injury, it will cost us thousands of dollars just to be able to broadcast low quality streaming video on the new U-Verse system. Commercial quality channels are not available to PEG programming.

A summary of the PEG service issues regarding AT&T are as follows:

AT&T U-Verse:

1. **Dedicated T1 and Router for streaming broadcast to AT&T.** An ip-based web-streamed broadcast which meets AT&T's approved specifications must be transmitted via a dedicated Internet connection. The cost and provisioning of a dedicated circuit, with has the minimum specifications similar in scope to a T1, is at the expense of the PEG facility. Each PEG facility/studio and any broadcasting location will have to provide the same connectivity. For Royal Oak, this means the school district station WOAK, the Government Station WROK, and the Public Station broadcasting at CMN will each have to provide their own dedicated T1 line and Router.
2. **Broadcast Monitoring.** At this point in time, the capability to monitor the broadcast at City Hall is unavailable as AT&T U-Verse is not yet located in this area of Royal Oak.
3. **PEG Provisioning.** This is not like an ordinary TV station and neither is the quality. If you are looking to watch your kids' soccer or baseball game at 1:00 p.m., changing the channel and tuning into the program isn't as easy as turning to channel 10. The AT&T PEG solution is a web-streaming version similar to the low quality video you would find on the Internet. All PEG channels from every community throughout the broadcast area are on the same menu. Residents looking for our PEG channels are forced to scroll through an alphabetized menu. Most communities have three channels, so 30 communities could have a listing of 90 entries altogether. It will take a few minutes to scroll down through all the PEG listings.
4. **Other issues.**
 - It doesn't allow closed captioning, or a second audio.
 - It's a computer based software program that handles the customer interface and it takes extra time to load the application before it is usable.
 - Incompatible with programmed recording devices like Tivo. If you wanted to program your DVR or VCR to record the program, forget about it.
 - Excluded from program guides and listings.
 - Regional availability, coverage and project completion is unknown.

Support of CSR-8128. In November 2007, the City Commission passed a resolution requesting Comcast to preserve the existing channel locations for our public, education and government access channels and that no undue cost is associated with basic access to the PEG channels. The resolution also requested that Public Act 480 of 2006 be amended to require that the PEG channels not be subject to change unless the written consent of the effected governmental entity providing the programming is obtained. These actions would be in support of the Dearborn/Meridian Township petition (CSR-8128).

REVISED 12/17/07

RESOLUTION REQUESTING PRESERVATION OF EXISTING CHANNEL LOCATIONS FOR PUBLIC, GOVERNMENTAL AND EDUCATIONAL ACCESS CHANNELS, ALSO KNOWN AS PEG

WHEREAS, Comcast Cablevision, is among the companies that furnish or will be furnishing cable television subscriptions to residential customers; and

WHEREAS, the City of Royal Oak and other governmental entities have committed substantial resources to deliver programming on governmental and educational access channels, also known as PEG and has participated with other governmental entities in the Community Media Network (CMN) and the Intergovernmental Cable Communication Authority (ICCA); and

WHEREAS, Comcast Cablevision has indicated that it intends to change the channel lineup and location of the public, educational and government access channels (PEG) from present locations, where they have been situated for many years, to the channel lineup in the 900's, which will require customers to have a digital converter set-top box, a cable card or a QAM* capable television; and

WHEREAS, the result is added costs, inconvenience, and confusion with respect to citizens who intend to view educational and governmental access channels;

WHEREAS, since Comcast's announcement, many citizens have voiced their opposition to the news that Comcast intends to change the location of PEG channels and require customers to have a digital converter box to receive the channels;

NOW, THEREFORE, it is resolved that:

1. Comcast Cablevision is requested to preserve the channel locations for public, educational and governmental access channels (PEG) and agree that they will not be changed in the future without the written consent of the City or governmental entity or entities which provide programming on such channels;
2. The City requests that Comcast respond to the questions posed by the Michigan Chapter of the National Association of Telecommunications Officers and Advisors in its letter dated November 2007 addressing operational and legal issues related to Comcast's actions; and
3. The City requests that Public Act 480 of 2006 be immediately amended to require that public, educational and governmental access channels remain at the current locations and that the same not be subject to change unless the written consent of the affected governmental entity providing the programming is obtained.
4. The City requests that I.C.C.A. legal counsel explore sections of Michigan's Public Act 480 of 2006, for provisions that already exist to potentially assist the City in maintaining the best delivery of its programming to Royal Oak residents via the cable TV and video systems. In addition, that I.C.C.A. continue talks with local providers, as well as investigate appropriate measures, to protect the City's investment in providing programming for local access channels, as these channels are important means of communicating with residents.

* QAM tuners in televisions enable direct reception of digital cable channels without the use of a set-top box.

In conclusion, the PEG stations in the City of Royal Oak have a long tradition of producing quality programs for the community. They are an instrumental tool for communication and education and are the source for genuine local programming for our residents and about our residents. Our PEG channels are a critical and irreplaceable resource for our community, therefore it is recommended that the Royal Oak City Commission be requested to approve the following resolution:

BE RESOLVED that the City Commission authorizes the City Clerk to distribute copies of this letter in support of preserving the quality and financial viability of Public, Education and Government (PEG) channels to our elected representatives in Washington and Lansing and to authorize the City Attorney to file this letter on our behalf in accordance with the requirements set forth by the FCC Public Notice DA 09-203.

Respectfully submitted,

A handwritten signature in black ink that reads "Scott L. Newman". The signature is written in a cursive style with a horizontal line underneath the name.

Scott L. Newman
Manager of Information Systems

Attached: FCC Public Notice DA 09-203